

SERVICE DATE - MAY 10, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 169X)¹

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN MARION
AND POLK COUNTIES, OR

Decided: May 8, 2001

Union Pacific Railroad Company (UP) and The Burlington Northern and Santa Fe Railway Company filed a notice of exemption under 49 CFR 1152 Subpart F Exempt Abandonments and Discontinuances of Service for UP to abandon a 0.76-mile line of railroad known as the Dallas Branch from milepost 719.74 to milepost 720.50 in Salem (Marion and Polk Counties), OR. Notice of the exemption was served and published in the Federal Register on April 11, 2001 (66 FR 18845-46). The exemption is scheduled to become effective on May 11, 2001.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 16, 2001. In the EA, SEA indicated that the U.S. Environmental Protection Agency (EPA), Region 10, the U.S. Department of Commerce, National Geodetic Survey (NGS), the U.S. Army Corps of Engineers, Portland District (ACOE), and the Oregon State Historic Preservation Office (SHPO), have not completed their evaluation of the potential impact of this project on water, culture, environmental and historical resources. SEA also indicates that the Marion and Polk County Board of Commissioners (Counties) have not completed the review of the proposed abandonment. Therefore, SEA recommends that UP: (a) consult with EPA, Region 10, and secure all necessary permits prior to initiation of salvage or disposal activities; (b) consult with the NGS prior to initiation of any salvage operations and notify NGS not less than 90 days prior to commencement of such operations; (c) consult with the ACOE and secure all necessary permits prior to initiation of salvage or disposal activities; and (d) consult with the Counties of Marion and Polk prior to initiation of any salvage activities in order to address any concerns that the Counties may have. Also, SEA initially recommended that UP consult with SHPO and secure all necessary permits prior to initial salvage or disposal activities. However, SEA now recommends that UP consult with SHPO prior to salvage of the rail line to determine if the proposed abandonment is consistent with the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f) (NHPA).

¹ While this decision embraces STB Docket No. AB-6 (Sub-No. 389X), The Burlington Northern and Santa Fe Railway Company—Discontinuance of Service Exemption—in Marion and Polk Counties, OR, the environmental conditions discussed in this decision are conditions imposed on the proposed abandonment.

SEA further states that the Oregon Department of Transportation, Rail Division (OR - DOT), and the Oregon Department of Environmental Quality, Hazardous Waste Division (OR-DEQ), have expressed concerns regarding track salvage activities including the proper disposal of hazardous materials resulting from track salvage operations, the proper disposal of salvaged rail ties, and the potential adverse impact to at-grade crossings. Therefore, SEA recommends that UP, prior to initiation of any salvage activities, consult with the OR-DOT and the OR-DEQ regarding the preparation of a track salvage and waste disposal work plan.

The recommended conditions will be imposed. As conditioned, this decision will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that UP: (1) consult with EPA, Region 10, and secure all necessary permits prior to initiation of salvage or disposal activities; (2) consult with the NGS prior to initiation of any salvage operations and provide NGS with 90 days' notice prior to commencement of such operations; (3) consult with the ACOE and secure all necessary permits prior to initiation of salvage or disposal activities; (4) consult with the Counties prior to initiation of any salvage activities in order to address any concerns that the Counties may have; (5) consult with the SHPO prior to salvage of the rail line to determine if the proposed abandonment is consistent with the section 106 process of the NHPA; and (6) consult with the OR-DOT and the OR-DEQ regarding the preparation of a track salvage and waste disposal work plan.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary